

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 6:00PM — Tuesday, February 22nd, 2022

Location: Admin. Building Auditorium, 414 N. Main Street

MEETING #9 — February 22nd

At a regular meeting (#2) of the Board of Supervisors on Tuesday, February 22nd at 6:00PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair
Carty Yowell, Vice-Chair
Charlotte Hoffman, Member
Dustin Dawson, Member
James Jewett, Member
Jonathon Weakley, County Administrator
Sean Gregg, County Attorney
Alan Berry, Deputy Clerk

ABSENT:

CALL TO ORDER, PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Chairman Jackson called the Board to order.

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

Chairman Jackson advised that a quorum was present.

Supervisor Hoffman made a motion to approve the agenda as presented, seconded by Supervisor Yowell. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment.

Joe May: Commented on the current levels of inflation in the United States and asked Chairman Jackson and Supervisor Jewett to comment on how inflation has affected their respective farms in areas such as fertilizer, parts, machinery, and beef and corn / soybeans.

Marie Durrer: Commented that Greene County is requesting for Madison County's Board to direct the County's RSA members to proceed with Greene County's withdrawal from RSA. Ms. Durrer advised of the following:

- Orange County's Board of Supervisors had voted to adopt a resolution to support the withdrawal Greene County from RSA and expressed its support for the process to move forward
- Madison County's Board of Supervisors had voted to adopt a resolution to support the withdrawal of Greene County from RSA

- Both Orange and Madison had approved and signed a memorandum of agreement regarding Board representation for RSA in the future
- The RSA Board of Members have thus far not taken action to move the process of Greene's withdrawal forward or to hold RSA staff accountable for not moving forward with the withdrawal process
- Ms. Durrer asked the Board to treat Greene County as they would like to be treated regarding Greene's request for withdrawal from RSA

Dale Herring: Stated that Greene and Madison are neighbors and that Greene wants to keep a good working relationship with Madison County. Mr. Herring advised of the following:

- Said that the RSA lawyer had told the judge in January that RSA would never enter into another contract with Greene County to allow them to approve anything
- Said Greene would be out of RSA if not for RSA blockading their withdrawal through unreasonable demands
- Said that Greene County believes a withdrawal could be completed by the end of the fiscal year if the parties cooperate
- Stated that RSA's suggestion that Greene County pay again for water and sewer infrastructure was unfair and unrealistic
- Stated that RSA's accountants total of debt for Greene is \$154,000
- Stated that RSA owes Greene \$2 million for its bad decisions

A copy of the comments from the two Greene County Representatives is available at the end of these minutes.

With no further public comment being brought forth, the public comment opportunity was closed.

CONSENT AGENDA

1. Approve: Minutes from 02/02/22
2. Approve: Minutes from 02/08/22
3. Approve: Minutes from 02/10/22
4. Supplemental Appropriation: Schools (\$359,522)
5. Supplemental Appropriation: Registrar (\$21,400)

Supervisor Yowell made a motion to approve the consent agenda as presented, seconded by Supervisor Hoffman. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

SPECIAL APPEARANCES

CONSTITUTIONAL OFFICERS, COUNTY DEPARTMENTS, COMMITTEES & ORGANIZATIONS

OLD BUSINESS

6. Redistricting — Registrar

Lauren Eanes, Registrar, was present and advised the Board of following in relation to the redistricting process:

- Congressional District: Changed from 5th to 7th
 - House of Delegates District: Changed from 30th to 62nd
 - Senate District: Changed from 24th to 28th
 - Stated that it was her job to notify registered voters of these changes and make the changes in the system
 - Stated that she needed the Board to advise her of any changes they wish to make before she begins the next steps
- *Supervisor Yowell: Stated that he had looked at the lines on GIS and that everything looked reasonable.*

Mrs. Eanes responded that now was not the only time that a change could be made; if the Board chooses to change things later, they could.

- *Supervisor Yowell: Asked if the Board needed to include their own precinct lines.*

Mrs. Eanes responded that the registrar already had that information and that the changes she would need to make in the system would be minor.

Supervisor Yowell made a motion to approve the statewide redistricting plan with the change from what has been presented tonight from Congressional District 10 to 7 with no changes to the precinct lines within Madison, seconded by Supervisor Dawson.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

A copy of Mrs. Eanes' updated letter reflecting the changes to the County's Congressional Districts has been included at the end of these minutes.

7. Town of Madison — UDA Update

The County Attorney advised the Board of the town's request for the County to modify the Comprehensive Plan earlier than the County had originally planned for with regards to the Town's UDA request. The County made the request that the Town cover the cost of advertising for the changes to the Comprehensive Plan and has not heard back as of yet.

- *Supervisor Yowell: Asked if there was urgency now rather than two months ago.*

The County Attorney responded that he had immediately sent the letter after the meeting where it was discussed and he has not been contacted about the request since it was originally mailed.

- *Chairman Jackson: Advised that it looked like the Comprehensive Plan update by the Planning Commission looked to be scheduled to begin sometime in September or October.*

8. Madison County Volunteer Fire Department Fund Request — Tabled

9. Emergency Ordinance #2022-1 — Greg Cave

Greg Cave was present and advised the Board of the following:

- Stated that he felt that they had removed all of the cats within the colony at the address
- Trapped all of the cats within 48 hours and continued trapping six days after; no other cats were caught
- Neighbors near the address stated that they had seen no other cats
- Upon starting trapping, there were a few instances of animals reportedly acting unusually; no more calls have been received since
- Said there are plans to continue checking up on the cats quarantined to make sure none of them show signs of rabies
- Spoke to Emily Bourdon and Dr. Gravatt about possibly lifting the emergency ordinance; they preferred to wait until the ordinance expires or until other cats or animals show symptoms of being infected

NEW BUSINESS

10. Rabies Clinic — Greg Cave

Following his update on the Emergency Ordinance, Greg Cave also advised the Board of the following:

- He has been in contact with Dr. Pfaff of the Madison Companion Animal Hospital about hosting a rabies clinic to allow animals to be vaccinated at a low cost
- Will functionally be similar to a drive-through
- Possible cost associated with having Dr. Pfaff host the event
- Currently suggested date for the clinic is Saturday, April 2nd

➤ *Chairman Jackson: Asked how much Mr. Cave thought the clinic would cost.*

Mr. Cave responded that he estimated it to be around \$250.

➤ *Chairman Jackson: Asked if this would be a good use of the Toppings Fund money.*

Mr. Cave responded that it would be.

The County Administrator asked if the process would be for the Committee to meet and make a recommendation to the Board before they act on it.

➤ *Chairman Jackson: Asked the County Attorney if it would be acceptable for the Board to act without the Committee needing to meet.*

The County Attorney responded that he did not have a problem with the Board giving Mr. Cave the go-ahead on the clinic without having the Toppings Fund make a recommendation first.

➤ *Supervisor Yowell: Asked if the clinic would be for both cats and dogs.*

Mr. Cave responded that it would.

Supervisor Yowell made a motion to approve the rabies clinic sometime in the future with details to be worked out by Greg Cave, seconded by Supervisor Hoffman.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

11. Town Historic District

The County Administrator advised the Board of the Town of Madison's work on the Town Historic District ordinance.

- *Chairman Jackson: Stated that he did not see anything earthshattering in the proposed ordinance.*
- *Supervisor Yowell: Stated that, if there were fees involved down the road, then the County should be exempt from those fees. Also stated that the Town is expanding the Historic District Commission by three members; suggested that the County have one of the new members be a Planning Commission member from the County.*
- *Supervisor Hoffman: Commented that she was not in favor of ordinances that would restrict private property rights such as what color to paint your house, what kind of window could be placed, etc.*
- *Supervisor Dawson: Said he was not in favor of the ordinance and stated that individuals would have to apply for a certificate of appropriateness within the confines of the historic district. Said the proposal said that you both could and could not do repairs without a certificate of appropriateness and needed clarification.*
- *Supervisor Jewett: Stated that he was philosophically opposed to any historic districts or designations because they would usurp private property rights and possibly cost taxpayers more money paying for restricted renovations.*

Supervisor Dawson made a motion to request that the Town of Madison not move forward with the Historic District update, seconded by Supervisor Hoffman.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

12. Accessory Dwelling Units

- *Supervisor Yowell: Advised the Board that he had been contacted by two individuals in the past three weeks who wish to build small structures on their property to house family members. Asked if the Board would like to pass the issue over to the Planning Commission for further vetting.*
- *Chairman Jackson: Asked if the following was correct under the proposal:*
 - *3 acres to 5.9 acres in an A1 zoned area would require a SUP*
 - *10 acres to 19.9 acres for a C1 zoned area would require an SUP*
 - *Anything above the acreages listed would be by-right*

- *Supervisor Yowell: Responded in the affirmative.*

The County Attorney advised the Board of the following:

- Banks do not know what to do with Accessory Dwelling Units as they have a difficult time having appraisers put a value on accessory dwellings; those involved may have an issue financing such matters due to the difficulties associated with appraising.
- *Supervisor Yowell: Said it would be incumbent upon the Board to advise owners that they would not be able to divide the property and sell the ADU fee simple.*

The County Attorney agreed.

- *Chairman Jackson: Stated that he did not see why the financing aspect would be difficult.*

The County Attorney explained that there are differential values in place when a home is connected to another lot rather than having its own.

- *Supervisor Yowell: Asked if there were any insurance issues involved.*

The County Attorney responded in the negative.

Supervisor Jewett: Said he thought it was something they should look at due to land affordability issues. Stated that he thought flexibility with limited acreage would be helpful, but would also need to be controlled.

- *Supervisor Dawson: Stated that he agreed with Supervisor Jewett and thought it would be a great way to serve the community.*
- *Supervisor Hoffman: Stated that she was in favor of having the Planning Commission look at the issue.*

Supervisor Yowell made a motion to task the Planning Commission with looking into the Accessory Dwelling Units ordinance, seconded by Supervisor Hoffman.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

13. Madison County Zoning Ordinance 4-8 Private Roads

Advised the Board that he has provided the Board with the documentation that he will be presenting to the Planning Commission at their next meeting. Stated that there was a concern with expanding the number of people on bad roads. Advised the Board that he provided them with documentation of how other Counties and areas had dealt with the issue.

- *Supervisor Yowell: Advised the Board that, per the Planning Commission's meeting, he understood that they would be looking at things such as the length of the driveway, perhaps an exemption for a family division, existence of a road maintenance agreement, density, safety, common sense exception, creation of a homeowner's association, etc.*

INFORMATION & CORRESPONDENCE

14. Solar Application — County Planner

The County Administrator advised that the applicant has withdrawn their application and may come back when they are ready to apply again.

15. RFP for Engineering Services — County Administrator

The County Administrator advised that an RFP for Engineering Services went live on February 15th and will close on March 17th.

- *Chairman Jackson: Asked if the process would be that the candidates be narrowed down to pre-qualified engineering firms.*

The County Administrator responded in the affirmative and said that, traditionally, there would be a scoring matrix to narrow it down before bringing people in and then bring the selection committee's choices to the Board.

16. VDOT Updates — County Administrator

The County Administrator advised of the following:

- VDOT has worked on Turner Drive
- Also worked in the Whippoorwill area
- Has not received confirmation of any work having been done on Garr Road
- VDOT should come before the Board sometime in the Spring to update them on the Six-Year secondary road plan; the presentation and public hearing will be on separate days

17. Tour de Madison

The County Administrator advised of the Tour de Madison event to take place on Saturday, May 21st.

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment.

Joe May: Asked the Board to answer his previous questions about inflation.

- *Supervisor Jewett: Stated that inflation was in the forefront of his mind during the budget process. Advised that the school's budget concerned him due to external funding covering ~10%. If that external funding disappears down the road, the County might have to raise taxes to cover the loss. Stated that many departments are either flat or have decreased their request for FY23. In regards to Mr. May's questions about his farm, Supervisor Jewett replied that costs have increased with fertilizer going up ~100% in the last 12 months with fuel prices going up ~90%.*

Mr. May asked a follow-up regarding where the fertilizer is made.

- *Supervisor Jewett responded with the following:*
 - *Phosphorous imported from China*
 - *Potash imported from Canada*
- *Supervisor Jewett concluded by saying that higher fuel costs for the transportation of goods is causing upward pressure on everything.*

Nick McDowell: Asked the Board to give some thought to placing traffic circles at Hoover Road and on Route 29 by McDonalds. He later clarified to Fishback Road rather than Hoover Road.

- *Supervisor Hoffman: Stated that Greene County had looked at placing a traffic circle in Ruckersville and stopped because there was too much traffic on Route 29 for a traffic circle.*

Bruce Livingston advised of the following online public comments:

Kevin McHaney: Stated that the handouts for what makes a quality road from the County Attorney's earlier statements were not included in the packet and asked how he might receive a copy of those documents.

The County Administrator asked Mr. Livingston to have Mr. McHaney or any other individuals who want a copy email him to be provided with a copy.

With no further public comments being brought forth, the public comment opportunity was closed.

CLOSED SESSION

Supervisor Yowell made a motion to convene in closed session pursuant to Virginia Code Sections:

- 2.2-3711(A)(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Seconded by Supervisor Hoffman. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

Supervisor Yowell made a motion to re-convene in open session, seconded by Supervisor Hoffman. ***Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).***

Supervisor Yowell made a motion to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A)(3) and that were identified in the motion to convene in closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor Hoffman.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

As a result of Closed Session, the Board took the following actions:

Supervisor Yowell made a motion to have the County Administrator advertise for a public hearing for the purpose of disposal of 302 Thrift Road Administration Complex, seconded by Supervisor Dawson. The public hearing will be held on 03/22/22 at 7:00PM.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).

ADJOURN

With there being no further business to conduct, Supervisor Hoffman made a motion to recess the meeting until 2:00PM on February 24th, 2022, in the Administration Building Auditorium, seconded by Supervisor Dawson. *Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0).*

**STATEMENTS TO THE MADISON COUNTY BOARD OF SUPERVISORS
BY THE BOARD OF SUPERVISORS OF GREENE COUNTY
FEBRUARY 22, 2022**

FIRST SPEAKER

Greene County is asking Madison County to take appropriate action to complete Greene County's fair and equitable withdrawal from RSA. Greene County is here tonight to call upon Madison County to direct your appointees to the RSA Board of Members to proceed promptly with Greene County's withdrawal from the RSA on fair and equitable terms.

At its regular meeting on April 13, 2021, the Orange County Board of Supervisors adopted its Resolution of Unanimous Consent to the Withdrawal of Greene County from the Rapidan Service Authority. In that Resolution, the Orange County Board of Supervisors expressly stated its support for the process to move forward for Greene County to be separated from RSA.

At its regular meeting on April 13, 2021, the Madison County Board of Supervisors unanimously adopted its Resolution of Consent to Greene County's Withdrawal from the Rapidan Service Authority.

In May of 2021, Madison County and Orange County approved and signed a Memorandum of Agreement concerning the future of the Rapidan Service Authority Board Representation, voting, governance, service fees and stability following Greene County's withdrawal. In that document, Madison County and Orange County acknowledged that Greene County is able to comply with all legal requirements to withdraw from the RSA.

Following these actions, the RSA Board of Members has failed to proceed with Greene County's withdrawal from the RSA. More specifically, your appointees to the RSA Board of Members have not taken action to either advance the withdrawal process or to hold the RSA staff accountable for their lack of progress with Greene County's withdrawal from the RSA. The RSA Board and the RSA staff continue to impede Greene County's fair and equitable withdrawal from RSA.

RSA picked a fight with Greene County in July of 2020. Reluctantly, Greene County had to take RSA, Orange and Madison to court. Madison County has asked Greene County to end the litigation. Greene County looks forward to ending our litigation as soon as our withdrawal from RSA is completed.

**STATEMENTS TO THE MADISON COUNTY BOARD OF SUPERVISORS
BY THE BOARD OF SUPERVISORS OF GREENE COUNTY
FEBRUARY 22, 2022**

As the litigation has continued, every one of the court's decisions to date have been in favor of Greene County. Greene anticipates a substantial monetary judgment against the RSA for breach of contract. Greene County will ask the court to declare that RSA acted arbitrarily and capriciously.

The parties also tried mediating our dispute, but the RSA made unreasonable demands and the mediation has failed. Madison County approved the RSA's unreasonable position.

The RSA is not functioning. It cannot function as long as this dispute continues. The dispute damages the services provided to Greene County customers. Customers in Orange and Madison will also be damaged. It seems like not a week goes by without RSA issuing some sort of customer service disruption notification in Orange County, Greene County, or both. RSA looks to be stretched thin and this can't be good for RSA's service in Madison. There is no benefit to Madison County from this continuing dispute.

So, we have come to ask Madison County to treat Greene County in our withdrawal from RSA the same way that you would hope and expect to be treated if your county were the one withdrawing from RSA. We have come to ask you to treat us fairly as a sister county and as a neighbor.

Greene County RSA customers and Greene County taxpayers have paid more than \$30 million for the water and sewer infrastructure in our county that is operated by the RSA. Only \$154,000 in RSA debt is allocated to Greene County. RSA has accumulated a surplus of more than \$10 million, and money paid by Greene County RSA customers is a significant part of that surplus. Equity compels the transfer of the Greene County water and sewer infrastructure to Greene County as part of the pending withdrawal process.

Greene County calls upon Madison County to direct your appointees to the RSA Board of Members to proceed promptly with Greene County's withdrawal from the RSA on fair and equitable terms.

**STATEMENTS TO THE MADISON COUNTY BOARD OF SUPERVISORS
BY THE BOARD OF SUPERVISORS OF GREENE COUNTY
FEBRUARY 22, 2022**

SECOND SPEAKER

Greene County and Madison County are neighbors. We share a long boundary. We have many similar needs and challenges. We are working together successfully on a new emergency radio system. Greene County wants to keep a positive working relationship with Madison County.

Greene County is asking for some understanding and cooperation from Madison County and from your Madison County RSA representatives so that our withdrawal from RSA can be completed.

RSA has fallen into dysfunction. RSA's lawyer told Greene County Circuit Court Judge Worrell in January that RSA will never enter into another contract with Greene County to allow us to improve anything. To us, this was a declaration that RSA is permanently broken. Greene County must leave the RSA.

The dispute will continue until Greene County is separated from RSA on fair terms. As soon as we have a fair withdrawal, the dispute will be over.

Greene County is not the hold-up. We would be out of RSA already, if not for RSA's unreasonable positions and its actions to put obstacles in our way. RSA has lost all seven times it has been in court with Greene County. RSA has lost at every step of the litigation because their positions are unreasonable.

The RSA Board is failing at governing the RSA itself. Instead, it is following unreasonable and unfair staff decisions.

We need to come to agreement about the timing of Greene County's withdrawal from RSA. We have been in discussions with contract operators and we have considered what positions we will need to add to our county staff – but we don't have a "start date" for any of those people. Greene County believes that our withdrawal can be completed by the end of the current fiscal year on June 30, 2022 if the parties cooperate.

We need to come to agreement about the costs involved in Greene County's withdrawal from RSA. Greene County needs to adopt our own water and sewer rates. Infrastructure costs will impact our rates – as you would expect. If the

**STATEMENTS TO THE MADISON COUNTY BOARD OF SUPERVISORS
BY THE BOARD OF SUPERVISORS OF GREENE COUNTY
FEBRUARY 22, 2022**

existing RSA water & sewer infrastructure in Greene County will be transferred to Greene County at no cost, then Greene County can provide water and sewer service at about the same rates that RSA has been charging.

Greene County assumed millions of dollars in RSA infrastructure debt about 17 years ago and we have issued additional water and sewer debt. RSA's suggestion that Greene County should have to pay again for water and sewer infrastructure that our taxpayers and ratepayers have already paid for is grossly unfair and unrealistic. That infrastructure was paid for with an annual set-aside of seven and a-half cents worth of our real estate tax revenue and by payments from RSA ratepayers in our county. Greene citizens have already paid for those assets.

By their own accounting, RSA's total debt attributable to Greene County is \$154,000.00. We can write RSA a check for that. We need to get the transfer of infrastructure settled.

We need to come to agreement about the RSA office on Spotswood Trail in Ruckersville. We can agree to get that building and property appraised. Two-thirds of that value can go to RSA and the building and property can go to Greene County.

RSA took bad advice and made bad decisions about the facility fee that have cost Greene County \$2 million so far. RSA owes us for that.

RSA has about \$12 million in the bank. RSA claims that some of that is availability fees from Orange and Madison. Greene County makes no claim on availability fees paid by Orange and Madison residents. RSA budgets have listed monetary "contributions" to their reserves from Greene County ratepayers for years, but RSA now says that none of their reserves in the bank should belong to Greene. Does that sound fair or reasonable to you?

How would you want to be treated if Madison County were in our position? That's how Greene County wants you to treat us. We hope you understand that how you treat Greene County now will affect our future.

The seal of Madison County, Virginia, is centered at the top of the page. It features a detailed illustration of the County Courthouse, a three-story building with a central dome and arched windows. The courthouse is flanked by two trees. Above the building is a semi-circle of thirteen stars. A banner at the bottom of the seal reads "Madison County" and the year "1792" is inscribed below the courthouse.

Madison County General Registrar

To: Madison County Board of Supervisors
From: Lauren Eanes, General Registrar
Date: February 9, 2022
Subject: Redistricting final steps

The statewide redistricting has been finalized. The entire County of Madison is now included within the following districts:

Congressional District 7 (formerly 5th)
House of Delegates District 62 (formerly 30th)
Senate District 28 (formerly 24th)

As the General Registrar, it is my responsibility to complete the administration of the redistricting process in the Virginia Election and Registration System (VERIS) and to notify all registered voters within the county of the new information.

Before taking this final step, please let me know if the Board intends to make any changes to the precinct lines within Madison, such as expanding or redrawing if the need exists. While it is entirely the Board of Supervisors decision to make these changes, it would be my task to implement any alterations to our existing polling precincts. If the Board does not wish to make any changes, I will move forward with completing the necessary processes of redistricting prior to the deadline of March 21 that is set by the State Board of Elections.

Thank you for your attention to this matter.

Respectfully,

Lauren Y. Eanes
Director of Elections & General Registrar
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